

IN THE SENATE OF THE UNITED STATES.

MARCH 28, 1860—Ordered to be printed.

Mr. SEWARD made the following

REPORT.

[To accompany bill S. 319.]

The Committee on Foreign Relations, to whom was referred the petition of J. Hosford Smith, late United States consul at Beirût, Syria, "praying an increase of compensation for his services as consul, and compensation for judicial services," report :

The petitioner, in the year 1850, accepted the appointment of consul at Beirût, in Syria, and engaged in trade at that place.

The compensation and perquisites of his office consisted, at that time, of a salary of \$500, the fees of the consular office, and the privilege of engaging in business.

On the 1st July, 1854, the compensation of the consul at Beirût was raised to the sum of \$2,000, subject to certain restrictions ; and on the 1st January, 1855, the petitioner having been recalled by order of the President, gave place to a successor.

The petitioner represents that, during the period of his appointment it became necessary for him to advance large sums from his private means to extend the usefulness of the consulate. He represents, moreover, that he performed certain judicial duties within the intendment of the act passed August 11, 1848, entitled "An act to carry into effect certain provisions in the treaties between the United States and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," and claims to be entitled to the compensation therein allowed "any person vested by the United States with consular authority in" any port in Turkey.

For the expenses and losses incurred and services rendered, as well as for having founded a trade which he alleges to have brought large additional revenues into the federal treasury, he asks indemnity and compensation.

Whilst your committee are satisfied that the petitioner has performed his official duties with fidelity, it does not appear proper to acknowledge the principles of public obligation which he has laid down for their guidance.

The compensation of the consulate at Beirût had been fixed prior to the date of his appointment. He admits that he accepted it as an incident advantageous to his commercial business. If, therefore, he expended his own money in extending the influence of the position, it

is to be supposed that he was indemnified for the outlay by the actual or prospective fees of office, or profits of commerce. Certainly, no citizen could be required, by considerations of patriotism, to expend his own substance to advance the general commerce of his country.

In relation to the compensation claimed by the petitioner for judicial duties alleged to have been performed by him during the term of his consular service, the committee have had their attention called, by a letter addressed by the Department of State to the Committee on Commerce, on the 29th July, 1856, to the report of the House Committee on Foreign Affairs, (House Doc. No. 166, Thirty-fourth Congress, first session,) upon the petition of the Hon. George P. Marsh, "asking compensation for judicial services rendered by him under the act of 11th August, 1848, whilst minister resident of the United States to the Ottoman Porte."

As the compensation asked by Mr. Marsh depends upon identically the same legal authority with that asked by the petitioner, the committee adopt the facts and reasoning in the report referred to as conclusive against the compensation sought by the petitioner.

It is perfectly plain that ministers and consuls of the United States, appointed under and by virtue of treaties with the Ottoman porte, incurred an obligation to perform the services thereby imposed, and must be held to have accepted the salary and perquisites of the said appointments in full compensation of all diplomatic and judicial services imposed upon them by the treaty relations existing between the two countries at the date of their appointment to office.

The Department of State, in the communication referred to, states that the petitioner discharged the duties of his office with entire faithfulness, and added, by his commercial enterprise, to the revenues of the federal government.

It expresses the opinion that the petitioner should not receive additional compensation for consular or judicial services rendered or for expenses incurred, and adds that, "in view of all the circumstances of the case, that it would be proper that the rate of compensation should commence on the 1st July, 1853."

In consideration, therefore, that the petitioner has contributed, by his enterprise, to extend the commercial influence of the United States. That the compensation of the consulate at Beirût was increased upon his recommendation, and that the Department of State has recommended an increase of his salary as a gratuity for his services. The committee is of opinion that the petitioner should receive the sum of \$1,500, as an addition to the salary already paid him for services as consul at Beirût, from 1st July, 1853, to 1st July, 1854, and report herewith a bill accordingly.